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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
BENJAMIN FRANCISCO CADILLO,)
)
Defendant.)

Case No. CR 12-00391 SBA

STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING STATUS
HEARING AND EXCLUDING TIME
UNDER THE SPEEDY TRIAL ACT
THROUGH OCTOBER 9, 2012

Defendant Benjamin Francisco Cadillo and the government, by and through undersigned counsel, jointly request that the Court vacate the status hearing presently set for August 20, 2012 and continue this matter to October 9, 2012 at 9:30 a.m. for a status hearing before the duty Magistrate Judge. In support of this request, the parties stipulate as follows:

1. Defense counsel requires significant additional time to investigate and contemplate potential defenses in this case. The defendant likely faces a mandatory minimum 10-year term of imprisonment if convicted on the sole count of the Indictment.

2. Defense counsel's schedule also requires a continuance to October 9, 2012 because she has undertaken several duties and commitments for her law practice partner who is presently in a long-term trial.

3. The parties stipulate and agree that the ends of justice served by this continuance outweigh the best interest of the public and defendant in a speedy trial. Therefore, the parties further stipulate and request that the Court exclude time between the date of this Stipulation and October 9, 2012 under the Speedy Trial Act for effective preparation of counsel and continuity of defense counsel, pursuant to 18 U.S.C. §§ 3161(h)(4) and (7)(B)(iv).

For these reasons, the parties respectfully request that the status hearing presently set for August 20, 2012 be vacated and continued to October 9, 2012 at 9:30 a.m. before the duty Magistrate Judge, with the time for this continuance excluded under the Speedy Trial Act.

So stipulated.

DATED: August 9, 2012

/s/
LINDA FULLERTON, Esq.
Attorney for Defendant Cadillo

MELINDA HAAG
United States Attorney

/s/

 ANDREW S. HUANG
 Assistant United States Attorney

~~PROPOSED~~ ORDER

FOR GOOD CAUSE SHOWN, IT IS FOUND AND ORDERED THAT:

1. The currently scheduled status hearing on August 20, 2012 is VACATED. A status hearing on October 9, 2012 at 9:30 a.m. is now SET before the duty Magistrate Judge.

2. For the reasons stated in the parties' Stipulation, the ends of justice are served by granting the continuance outweigh the best interests of the public and defendant in a speedy trial.

3. Pursuant to 18 U.S.C. §§ 3161(h)(4) and (7)(B)(iv), the time period from the date of this Order to October 9, 2012 is excluded under the Speedy Trial Act to allow for the effective preparation of counsel, taking into account the exercise of due diligence, and continuity of defense counsel.

DATED: August 9, 2012



Hon. KANDIS A. WESTMORE
United States Magistrate Judge